

REMARKS/ARGUMENTS

Claims 1-15 and 19-23 are active.

Claim 1 is amended to incorporate Claim 16. The remaining claims have been amended for proper antecedent support to this amended Claim 1.

The preferred ranges set forth in claims 2, 4, 6, 8 and 11 as noted in the Action at page 2 have been removed and are re-presented in new claims 19-23.

No new matter is added.

Applicants thank the Examiner for indicating that the subject matter of Claims 9 and 10 is directed to allowable subject matter. In view of the amended claims and following remarks, Applicants request that all pending claims be considered allowable as well.

The rejections of Claim 18 under 35 USC 102(b) in view of Itoh, Smith and Seto are no longer applicable as Claim 18 has been cancelled. Withdrawal of the rejection is requested.

The rejection of Claims 1-8 and 11-17 under 35 USC 103(a) in view of the Itoh patent is respectfully traversed. The rejection recognizes that there are some differences between what Itoh describes and the subject matter in the claims. However, as Itoh teaches overlapping ranges it is alleged that it would have been obvious to achieve the claimed invention. See the Action at page 4.

Claim 1 defines glass hollowware (previously presented in Claim 16) with a soda-lime-silicate glass composition and methods of making the same defined by specific concentrations or other features in the dependent claims.

Applicants understand that persons having ordinary skill in the art normally seek “to improve upon what is already generally known.” *In re Peterson*, 315 F.3d 1325, 1330 (Fed. Cir. 2003). However, before persons having ordinary skill in the art would want to optimize

the choice or use of components in a glass, the prior art must at least generally recognize the type of glass and generally suggest the type of glass components the claimed process utilizes to achieve its goals. To establish that Applicants' claimed hollowware would have been obvious to a person having ordinary skill in the art, the prior art must reasonably suggest that persons having ordinary skill in the art do what Applicants claims require, select specific components for a glass hollowware. Itoh relates to flat glass as so stated in the Abstract "glass for buildings and vehicles" and not glass hollowware as defined in the pending claims.

Moreover, Itoh's glass is to brown (see column 1, lines 3-7), whereas the invention is directed to glasses with a neutral tint so that one can appreciate the hollowware's content color. Itoh does not recognize any problems with glass hollowware that Applicants' invention remedies (see Specification pages 3-4). Moreover, the Examiner has not pointed to any knowledge or skill in the prior art which would have led a person having ordinary skill in the art to select the specific components defined in the claims for glass hollowware from Itoh's teachings of brown flat glasses for any purpose.

One looking for a hollowware that allows to appreciate the color of its content had no objective reason to look for documents relating to brown plate glass for buildings and automotive. The problem solved by Itoh is so unrelated to the problem solved by the invention that the skilled person would have had no motivation to be interested by Itoh's disclosure.

In addition, glasses of Itoh do not possess a b^* -value of at most 3.

From Table 1 of Itoh, Applicants calculated the b^* -value for examples 1-5.

From the table below, it can be seen that b^* -values of Itoh's glasses range from around 4 to 6.

Examples	1	2	3	4	5
a*	0,6	0,5	0,5	0,5	0,8
b*	3,9	5,4	5,5	5,6	5,4

These high b*-values are typical of brown glasses and are consistent with Itoh's teachings (see again col. 1, lines 4-7). On the contrary, lower b*-values allow to get a neutral tint. These tints can be obtained through specific MnO/V₂O₅ ratios, that depend on the process used (if coloring species are added in the furnace or in the feeder).

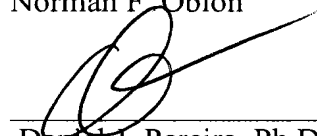
Reconsideration and withdrawal of the rejection is requested.

A Notice of Allowance is also requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Norman F. Oblon



Daniel J. Pereira, Ph.D.
Attorney of Record
Registration No. 45,518

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

2028360_1.DOC